

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 8-13 are pending in the application. Claims 12 and 13 are withdrawn from consideration as being directed to a non-elected invention.

Claims 8-11 were rejected under 35 USC 103(a) as unpatentable over FANO 6,317,718. That rejection is respectfully traversed.

Independent claim 8 is amended and recites retrieving latest price information of the commodity item in plural shops in the area starting in order with the lowest price, and sending a retrieval result to a user terminal. Claim 8 further recites displaying a list of the latest price information of the commodity item in the plural shops in the area starting with the lowest price at the user terminal.

The position set forth in the Official Action is that FANO discloses all that is recited except providing a lowest price.

The Official Action notes that column 10, lines 40-45 of FANO discloses providing the best information. Based on at least this disclosure, the Official Action concludes that one of ordinary skill would recognize that if there were three or more competing items, then the price displayed to the user would be

the lowest pricing. Thus, it would have been obvious to modify FANO to display the lowest price information in order to have effective comparison shopping.

Although the above motivation does not flow from some teaching in the art that suggests the desirability to make the modification in order to establish *prima facie* obviousness, nevertheless, FANO does not disclose what is recited in claim 8.

Rather, Figures 9, 18 and 27, noted in the Official Action, and their related disclosures teach displaying several similar items and a price for each of those items at a particular store.

FANO does not disclose displaying a list of the latest price information of the commodity item in the plural shops in the area starting with the lowest price at the user terminal as recited in claim 8.

By way of example, by displaying a list of the latest price information of a (same) commodity item available in different shops in the area starting with the lowest price, a user can determine the best place for him to purchase an item. Since several prices are listed, the user may purchase the item based on the listed 2nd or 3rd lowest price, if he considers that these locations offer better customer service or have more convenient access. Therefore, it is possible for an individual to save money and make an effective use of his time and become more organized to improve productivity. Support for this new

limitation may be found on page 4, lines 14-16; page 10, line 22 to page 11, line 1; page 11, lines 13-27; and page 13, lines 16-20.

FANO neither displays a list of the latest price information of the commodity item starting with the lowest price, nor recognizes the desirability of having such a display. Thus, claim 8 would not have been obvious in view of FANO.

Independent claim 10 includes similar recitations and is also believed to distinguish over FANO.


Claim 12 also includes all the limitations of claim 8 and should be considered and allowed as part of the present application.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Liam McDowell". The signature is written in dark ink and is positioned above a horizontal line.

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